

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

BEVERLY SMITH,

Plaintiff,

2003-CV-0178

v.

**VIRGIN ISLANDS HOUSING AUTHORITY
and GOVERNMENT OF THE VIRGIN
ISLANDS,**

Defendants.

**TO: Lee J. Rohn, Esq.
Leslie A. Kelley, Esq.**

ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL

THIS MATTER came before the Court upon Plaintiff's Motion to Compel Defendant to Provide Proper Responses to Plaintiff's Discovery (Docket No. 52). Counsel for Plaintiff affirmed that Defendant failed to sign the joint stipulation, pursuant to LRCi 37.2. Subsequently, Defendant filed a response to said motion, and Plaintiff filed a reply thereto.

Having reviewed the said motion, the Court makes the following findings and conclusions:

Demand For Production No. 3: Plaintiff requested "all documents and communications concerning all persons who have held/currently hold

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management positions with the Defendant from January 1, 2002, to present." The Court finds this request to be overly broad. While Plaintiff is correct that she is entitled to discovery information about management employees, Plaintiff is not allowed to engage in a "fishing expedition," nor is she allowed to request all information of whatever kind or nature.

Demand For Production No. 7: Defendant states that no documents responsive to such request exist. It should be self-evident that the Court cannot order Defendant to produce non-existent documents.

Demand For Production No. 8: In the absence of a privilege log or a showing of the privilege as it relates to specific documents, the Court finds that Defendant has waived its objection. Defendant shall produce any and all documents that are responsive to this request.

Demand For Production No. 10: In the absence of a privilege log or a showing of the privilege as it relates to specific documents, the Court

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finds that Defendant has waived its objection.

Defendant shall produce any and all documents that are responsive to this request.

Demand For Production No. 13: Defendant has submitted supplemental responses to this request. Based upon such notice, the Court finds that Defendant has adequately responded to this interrogatory. Plaintiff may renew her motion if she disputes this finding.

Demand For Production No. 14: Defendant has submitted supplemental responses to this request. Based upon such notice, the Court finds that Defendant has adequately responded to this interrogatory. Plaintiff may renew her motion if she disputes this finding.

Demand For Production No. 17: The Court agrees that attorney-client privilege cannot apply to documents or communications between Defendant and Plaintiff. Thus, Defendant shall produce any and all documents that are responsive to the request.

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Interrogatory No. 1: Defendant shall supplement its response to include, if known, what each named person did with respect to preparation of the interrogatory responses.

Interrogatory No. 2: Defendant shall supplement its response to include the names and addresses of the Board of Commissioners members who were present at the Special Meeting of the Board on December 10, 2002.

Interrogatory No. 4: Defendant shall supplement its response with Ray Fonseca's last known address.

Interrogatory No. 5: Defendant shall supplement its response with the last known addresses of the individuals identified.

Interrogatory No. 6: Defendant shall supplement its response to include the basis for the decision to eliminate, reclassify, etc. the positions identified.

Accordingly, it is now hereby **ORDERED:**

1. Plaintiff's Motion to Compel Defendant to Provide Proper Responses to Plaintiff's Discovery (Docket No. 52) is **GRANTED IN PART AND DENIED IN PART.**

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2. Defendant shall supplement, within ten (10) days from the date of entry of this order, its responses to Demand For Production Nos. 8, 10, and 17 and Interrogatory Nos. 1, 2, 4, 5, and 6 as more fully described hereinabove.

ENTER:

Dated: April 8, 2008

_____/s/_____
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE